

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6719
BILL NUMBER: HB 1175

NOTE PREPARED: Feb 17, 2009
BILL AMENDED: Feb 17, 2009

SUBJECT: Victims' Rights.

FIRST AUTHOR: Rep. Riecken
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill provides that a victim has the right to: (1) be free from intimidation, harassment, and abuse throughout the criminal justice process; (2) a speedy trial or disposition; and (3) a prompt and final conclusion of the case after conviction and sentencing or other disposition.

The bill specifies that a child less than 16 years of age who is the victim of a sex offense has the right to refuse an interview, a deposition, or any other discovery request by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, as long as the refusal does not deny the defendant's due process right to a fundamentally fair trial.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill may increase court workload to the extent that (1) cases involving an endangered adult are delayed, or (2) parties involved in a sexual offense case involving a child cannot agree to the terms of a deposition, and a court orders a hearing regarding the deposition terms. Actual increases in court workload are indeterminable but expected to be small.

The bill also establishes procedures that a prosecuting attorney must perform when defense counsel requests to depose a child. This will increase the workload of the local prosecuting attorney; however increases are expected to be minimal.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts; Prosecuting attorneys.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.